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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina, Australia,* Austria,* Belgium,* Benin,* Bolivia (Plurinational State of), Bulgaria,* Chile,* Colombia,* Costa Rica,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Djibouti,* El Salvador, Estonia, Fiji,* Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland, Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Mongolia,* Montenegro, Namibia, Netherlands, New Zealand,* Norway,* Panama,* Paraguay, Peru,* Poland,* Portugal, Republic of Moldova,* Romania,* Rwanda,* Serbia,* Sierra Leone, Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* the former Yugoslav Republic of Macedonia, Togo,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, Uruguay:* draft resolution

30/... The question of the death penalty

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights the Convention on the Rights of the Child and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and reaffirming that all States must implement their obligations under international human rights law,

Recalling also the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

Recalling further General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012 and 69/186 of 18 December 2014 on the question of a moratorium on the use of the death penalty,

Reaffirming the safeguards guaranteeing protection of persons facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May

* Non-member State of the Human Rights Council.

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1984, and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

Recalling all resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,

Recalling also Human Rights Council decision 18/117 of 28 September 2011 on reporting by the Secretary-General on the question of the death penalty, Council resolution 22/11 of 21 March 2013 on a panel on the human rights of children of parents sentenced to the death penalty or executed, Council decision 22/117 of 21 March 2013 on a high-level panel discussion on the question of the death penalty and Council resolution 26/2 of 26 June 2014 on the question of the death penalty,

Taking note of the reports of the Secretary-General on the question of the death penalty, in the latest of which[1] the Secretary-General concluded that the imposition of the death penalty was incompatible with human dignity, the right to life and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and highlighted the consequences of the lack of transparency in the imposition and application of the death penalty and the consequences arising at various stages of the imposition and application of the death penalty for the enjoyment of the human rights of other affected persons,

Mindful of the work of special procedure mandate holders who have addressed human rights issues related to the death penalty, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers,

Mindful also of the work undertaken by the treaty bodies to address human rights issues related to the death penalty,

Recognizing the role of regional and subregional instruments and initiatives towards the abolition of the death penalty,

Welcoming the fact that many States are applying a moratorium on the use of the death penalty,

Noting that States with different legal systems, traditions, cultures and religious backgrounds have abolished the death penalty or are applying a moratorium on its use,

Strongly deploring the fact that the use of the death penalty leads to violations of the human rights of the persons facing the death penalty and of other affected persons,

Recalling the calls to consider whether the use of the death penalty violates the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including because of the death row phenomenon or the methods of execution,

Emphasizing the need to ensure that persons facing the death penalty are treated with humanity and with respect for their inherent dignity, and to improve conditions in prisons in accordance with international standards, such as the Standard Minimum Rules for the Treatment of Prisoners,

Recalling that all methods of execution can inflict inordinate pain and suffering, and that the circumstances in which executions are carried out, in particular public executions, which imply an undignified exposure of the persons sentenced to death, and secret executions or those with short or no prior warning, add to the suffering of the persons sentenced to death as well as of other affected persons,

[1] A/HRC/30/18.

Emphasizing that lack of transparency in the use of the death penalty has direct consequences for the human rights of the persons sentenced to death as well as for other affected persons,

Acknowledging the interest in studying the question of the death penalty, as well as in holding local, national, regional and international debates related thereto,

1. *Urges* all States to protect the rights of persons facing the death penalty and other affected persons by complying with their international obligations, including the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Calls upon* States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty to consider doing so;

3. *Calls upon* States that have not yet abolished the death penalty to make available relevant information, disaggregated by sex, age and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row, the number of executions carried out and the number of death sentences reversed, commuted on appeal or in which amnesty or pardon has been granted, which can contribute to possible informed and transparent national and international debates, including on the obligations of States with regard to the use of the death penalty;

4. *Calls upon* States to ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child;

5. *Requests* the Secretary-General to dedicate the 2017 supplement to his quinquennial report on capital punishment to the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of the persons facing the death penalty and other affected persons, paying specific attention to the right to equality and non-discrimination, including on foreign nationals, and to present it to the Human Rights Council at its thirty-sixth session;

6. *Decides* that the upcoming biennial high-level panel to be held at the thirty-fourth session of the Human Rights Council will address the human rights violations related to the use of the death penalty, in particular with respect to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation in the panel discussion;

8. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-sixth session;

9. *Decides* to continue consideration of this issue in accordance with its programme of work.